



E14 State Practice in the Management and Allocation of Transboundary Ground Water Resources in North America

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After attending this presentation, attendees will have a better understanding of the current situation regarding shared groundwater agreements with an emphasis on North America. The presentation will also discuss important similarities between local shared water agreements that are important considerations in these types of agreements.

This presentation will impact the forensic community and/or humanity by alerting the community to the dearth of groundwater agreements. It will raise awareness of this issue by highlighting the importance of agreements and their necessity to avoid litigation.

Throughout the world, international and state borders divide ground water resources. Yet, ground water does not recognize such boundaries and flows freely without regard to overlying politics. This disregard for the political dimension, coupled with the growing global importance of water, can give rise to conflicts and disputes regarding the use, allocation, and preservation of the resource.

Use and management agreements are an efficient mechanism to share a transboundary water resource and, possibly, to prevent such conflicts. While very few international agreements actually address transboundary aquifers, these instruments are informative and can serve as bases or models for future arrangements. Such agreements can provide standards or guidelines on the rights and obligations that the “sharing” states possess. Documents may also include enforcement mechanisms such as dispute resolution mechanisms providing a valuable resource for other entities with similar issues hoping to implement regulations for allocation or protection.

This presentation reviews existing interstate and international ground water agreements in North America. These range from informal memoranda of understanding between bordering cities to international agreements involving nations. Although the agreements vary dramatically, commonalities exist. These include principles of cooperation, sharing of information, joint monitoring, scientific research of the water source, and public participation. In addition to these commonalities, the legal mechanisms employed by the parties will be discussed in an effort to better appreciate drafting and enforcement concerns. Furthermore, dissimilarities related to differences in geology, climate, local needs, and other unique factors will be considered. The presentation concludes with a discussion of the importance of regional agreements and the effectiveness of compacts tailored to local characteristics and circumstances.

Groundwater, Legal, Policy